IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

HON'BLE SRI JUSTICE M.H.S. ANSARI

and
HON'BLE SRI JUSTICE T.CH.SURYA RAO

WRIT PETITION NO : 722 of 2005

Between:

J. Bal Raju, S/o. Panthulu,
R/o. Peddavangara, R.C. Thanda, Kodagantla Mandal,
Warangal District.

..... PETITIONER

AND

1 The Secretary, Regional Transport Authority,
Warangal, Warangal District.
2 Asst. Motor Vehicle Inspector, Inforcement, O/o. D.T.C. RTA,
Warangal, Warangal District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any writ or order, direction more particularly one in the nature of writ of mandamus, declaring the action of the 2nd respondent in seizing and detaining the petitioner's vehicle bearing Registration No. AP 36E 7704 vide Vehicle Check Report No. 386707, dt. 06-01-2003 under Sec. 8 of A.P. Motor Vehicle Taxation Act and Sec. 207 of M.V. Act as illegal arbitrary and unconstitutional and consequently direct the respondents to release the vehicle bearing No. AP 36 E 7704 to the petitioner herein

Counsel for the Petitioner: MR.B.CHANDRA SHEKHAR

Counsel for the Respondents: GP FOR TRANSPORT

The Court made the following :

ORDER(per Hon'ble Sri Justice M.H.S. Ansari) :

Heard learned counsel for respective parties.

Keeping in view the nature of relief prayed for in the instant writ petition, we are inclined to dispose of the same with certain appropriate directions at the stage of admission, instead of keeping the same pending on the file of this Court.

The vehicle L.M.V jeep bearing Registration No. AP 36 E 7704 was seized under Section 8 of A.P. Motor Vehicle Taxation Act and under Section 207 of M. V. Act for certain alleged violations.

The competency of the authority cannot be disputed in this proceedings. Whether there has been any such violation by the petitioner of the Acts referred to in the vehicle check report is a matter for consideration in the pending enquiry. We, accordingly, make no order with respect thereto. It shall be open to the respondent authorities to proceed with the enquiry in accordance with law.

In so far as the interim custody of the vehicle, pending enquiry, is concerned there is an objection raised on behalf of the respondent authorities viz., that petitioner herein is not the registered owner of the vehicle in question. Though, in the check report, the name of registered owner of the vehicle is shown as J Bal Raju, petitioner herein, we are not going into the merits of this contention or objection raised by the respondent authorities, leaving it open to the first respondent herein to consider the same after calling for such information as he may deem necessary from such persons including the Project Officer, Integrated Tribal Development Agency (hereinafter referred to as "ITDA").

It is the contention of the petitioner that the Project Officer, ITDA, pursuant to the scheme, has allotted the vehicle in question to the petitioner. The first respondent, being the authority competent to grant interim custody of the vehicle, pending enquiry, can ascertain the true facts and also whether petitioner is entitled to interim custody or not, after causing such enquiry as he may in his discretion deem fit and dispose of the matter thereafter by a reasoned speaking order.

As already an application has been made by the petitioner to the competent authority (1st respondent herein) on 26-02-2003(see page–10), we direct that the said application shall be disposed of in accordance with law expeditiously and preferably within a period of two weeks from the date of communication of this order.

Writ petition is accordingly stands disposed of. No costs.

(M.H.S. ANSARI, J)

Dt. 31-01-2005

(T.CH. SURYA RAO, J)

NB:-

Issue C.C on priority basis.

B/o.

Kvrk

To

1 The Secretary, Regional Transport Authority,
Warangal, Warangal District.

2 The Asst. Motor Vehicle Inspector, Enforcement, O/o. D.T.C. RTA, Warangal, Warangal District.

3. Two CCs to GP for Transport, High Court Buildings, Hyderabad(OUT)

4. Two CD copies.